




## Lake Shastina Community Services District

RESOLUTION NO. 5-82 

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE LAKE SHASTINA COMMUNITY SERVICES DISTRICT AMENDING ORDINANCE #4-80.

RESOLVED, by the Board of Directors of the Lake Shastina Community Services District, Siskiyou County, California as follows:

I. WHEREAS, the District has undertaken to furnish sewage disposal services pursuant to Ordinances 1-80, 2-80 and 4-80, and,

WHEREAS, Ordinance 4-80 by definition provides a rate schedule based in part upon the number of families living independently of each other within a dwelling unit, and,

WHEREAS, said Ordinance 4-80 Section 2, subsection (d) defines a "Multiple Family Dwelling" without reference to kitchen facilities which may be considered necessary in order for families to live independently of each other, and,

II. WHEREAS, the District has returned the financial responsibility for the maintenance costs of privately owned sewage pumps back to the owner and therefore eliminating the requirement for a monthly surcharge, and,

III. WHEREAS, Commercial billings are based in part on the actual water used (metered) and billed by the Lake Shastina Mutual Water Company on a monthly basis, and,

WHEREAS, CSD amendment dated July 7, 1981 states commercial rates will be charged quarterly based on the previous three month water meter readings, and,

WHEREAS, the District desires to collect sewage disposal service charges from commercial users monthly based upon said monthly water meter readings, and,

IV. WHEREAS, CSD Ordinance 4-80, Article IV. BILLING AND COLLECTING, Section 4. Penalties and Interest. presently specifies a penalty of 1½% or \$1.00, whichever is greater, per month for accounts not paid in full within sixty days of billing, and,

WHEREAS, California Code 61621. Rates or Charges: Revenues as security for revenue bonds: Collection and billing of charges: Penalty for nonpayment, inter alia, states: "A district may provide for a basic penalty of not more than 10 percent for nonpayment of the charges within the time and in the manner prescribed by it, and in addition may provide for a penalty of not exceeding one-half of 1 percent per month for nonpayment of the charges and basic penalty. It may provide for collection of the penalties herein provided for." and,

WHEREAS, the Board of Directors, for reasons of cost effectiveness does not desire to charge the additional ½ of 1% per month on the charges and basic penalty unless legal action is initiated because of nonpayment of charges and basic 10% penalty,

RESOLUTION 5-82

NOW THEREFORE, BE IT HEREBY RESOLVED:

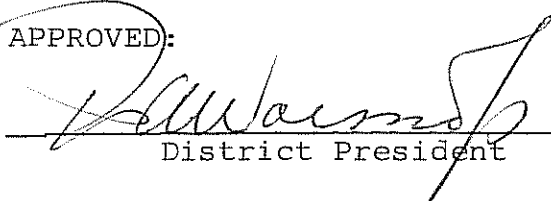
1. that Article I, GENERAL PROVISIONS, Section 2, Definitions, (d) "Multiple Family Dwelling" shall be amended to include the phrase "with separate kitchen facilities" after the word "duplexes."
2. that Article II, SEWER SERVICES AND CONNECTION CHARGES, Section 3. Surcharges. be deleted in its entirety and that Section 4 be renumbered as Section 3.
3. that the amendment of July 7, 1981 to Article IV. BILLING AND COLLECTION, Section 1 (b) Billings, Commercial. be rescinded and that amendment dated June 2, 1981 be reactivated, i.e., "The billing period for commercial will be monthly for services received the previous month based on the water consumption figures provided by the Lake Shastina Mutual Water Company."
4. that Article IV. BILLING AND COLLECTION, Section 4. Penalties and Interest. be amended to read: "Payment in full for services billed shall be received by the District office within sixty (60) days of the billing date or be subject to a basic penalty of 10% for nonpayment of the charges within the time and in the manner prescribed and that if legal action is undertaken to collect said charges and basic penalty, an additional penalty of  $\frac{1}{2}$  of 1% per month on the charges and basic penalty will be added as prescribed by California Government Code 61621. If full charges and penalties are not paid within sixty days after written notification, the District may discontinue sewer service. The amount to be charged for renewal of service shall be the District Manager's estimated cost of reconnection to the system in addition to all other charges for or established pursuant to rules, regulations and ordinances of the District.

I hereby certify that the foregoing is a full, true and correct copy of a Resolution duly passed and adopted by the Board of Directors of the Lake Shastina Community Services District, Siskiyou County, California, at a meeting thereof duly held on the 6th day of April 1982, by the following vote:

AYES, and therefore in favor of: Directors, Barbier, Dutro, Sayer Shelton and Worsnop.

NOES: None ABSENT: None.

APPROVED:

  
District President

ATTEST:

  
District Secretary



## Lake Shastina Community Services District

### MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE LAKE SHASTINA COMMUNITY SERVICES DISTRICT

This regular meeting of the Board of Directors of the Lake Shastina Community Services District was called to order by the President, Robert Worsnop at 7:05 p.m. on 6 April 1982.

#### I. ROLL CALL:

On Roll Call there were present Directors Barbier, Dutro, Sayer, Shelton and Worsnop.

#### II. APPROVAL OF MINUTES:

Motion was made by Director Shelton and seconded by Director Barbier that the Minutes of the Meeting of 2 March 1982 be approved as presented. Upon vote the motion carried unanimously.

#### III. CLAIMS AND ACCOUNTS PAYABLE:

General Manager Smith reported that the claims and accounts payable for the 10th and 25th of March 1982 have been checked and paid and asked for ratification thereof. So moved by Director Sayer, seconded by Director Dutro, and upon vote carried unanimously.

#### IV. PUBLIC HEARINGS:

President Worsnop announced the opening of the public hearing on Ordinances 1-80 & 4-80. General Manager Smith provided the Board members with a compilation of those sections of sewer ordinance 1-80 which incorporates changes and recommended actions, which by reference is incorporated herein. After a brief discussion, the Board concurred with Counsel's recommendation that a work shop be held, open to the public, for the purpose of going over the ordinance in detail. The meeting was set by President Worsnop for Tuesday, April 13, 1982 at 7:00 p.m. in the lower level of Arrow Lodge. The Board next addressed Ordinance 4-80, the sewer rate ordinance. The General Manager's letter of 25 February 1982 covering the definition for "Multiple Family Dwelling," monthly billings for commercial entities and a change in penalties for late payment was referenced. In addition, the General Manager had prepared proposed Resolution 5-82 incorporating the recommendations in the above referenced letter for the Board's consideration. After discussion, the Board concurred on the following changes to Resolution 5-82: Page 2, paragraph 4., ln. 8 California Government Code 61621; line 11, remove "to be

deposited" and substitute "to be charged;" and eliminate last sentence in toto. It was moved by Director Dutro and seconded by Director Sayer that the Resolution 5-82 be approved as amended. AYES and therefore in favor of: Directors Barbier, Dutro, Sayer, Shelton and Worsnop.

V. REPORTS :

1. Financial - Finance Officer Dutro.

Director Dutro noted that with 75% of the year completed, the financial statement reflects income and expenditures within line. Director Shelton requested, for the record, that Director Dutro join with him in giving Accountant Virginia Weeks a vote of confidence for the excellent job she is doing in keeping the day to day financial records for the CSD. Director Dutro concurred.

The General Manager reported that the County has completed the audit of the CSD books and determined that the financial records are being kept correctly and the reporting is proper. President Worsnop noted that the audit showed conformance to procedures but was not a detailed financial audit. Sometime in the future this will have to be done, and a detailed financial audit can be done because of the in house accounting procedures which are now being practiced.

General Manager Smith gave a brief report on the recently acquired liability insurance policy with Nevens Insurance of Redding, CA. He noted that the LSMWC and the CSD had opted not to acquire "errors and omissions" coverage whereas the POAs did. Counsel cautioned the Board that they should reconsider. Errors and omissions covers breach of duty and exposure to liability for violation of civil rights. Somebody may sue under 42 USC 1983. The police department is particularly liable and should be covered. After further discussion, President Worsnop stated that he, Mr. Smith and Counsel will get together and clarify the civil rights questions. They will report back at the next meeting. Director Barbier stated that he would not serve on this Board without coverage for errors and omissions.

2. Fire Department - Chief Allen.

Chief Allen reported that since he turned in his fire report, two additional fires had been responded to: a flue fire and a fire in a garage caused by smoldering ashes which had recently been cleaned out